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Paper No.

Lundbeck Research USA, INC Attention: Stephen Kalinchak, Legal 215 College Road Paramus, NJ

> MAILED APR 042011 OFFICE OF PETITIONS

In re Application of

Heidi Lopez de Diego et al. Application No. 10/568,572

Filed: August 14, 2006 Patent No. 7,767,683

Atty Docket No.

453-US-PCT

WITHDRAWAL OF PTA

DECISION MAILED

FEBRUARY 24, 2011

AFTER CIVIL

ACTION FILED

This decision hereby WITHDRAWS the decision mailed on February 24, 2011 granting patentee a Patent Term Adjustment (PTA) of 112 days.

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On October 1, 2010, patentee filed an application for Patent term adjustment under 37 CFR 1.705(d) requesting 155 days. January 28, 2011 patentee filed a civil action in the District Court of the District of Columbia pursuant to 35 USC 154(b)(4)(A) requesting that patentee's PTA be adjusted to 290 days. On February 24, 2011 the petition attorney unaware of the filing of the civil action mailed a decision in response to the 37 CFR 1.705(d) petition.

Because the decision was mailed after the date of the filing of the civil action, the Office hereby withdraws the decision. The Office will not act upon any petition filed under 37 CFR 1.705(d) once civil action has been filed until such time the District Court for the District of Columbia remands the civil action back to the jurisdiction of the USPTO to address the remand order.

Accordingly, the Office hereby takes the following actions:

- 1. Decision mailed February 24, 2011 is withdrawn;
- 2. PTA calculation displayed in PAIR is readjusted to 96 days as issued.
- 3. Certificate of correction changing the amount of PTA to 112 as decided in the decision will not be issued.

Telephone inquiries specific to this matter should be directed to Kery A. Fries at (571) 272-7757.

/Kery Fries/

Kery Fries
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
For Patent Examination Policy
Enclosure: Copy of adjusted PALM calculation

Cc: Adjusted PTA calculation

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PALM INTRANET

Day: Friday Date: 4/1/2011 Time: 09:58:36

PTA Calculations for Application: 10/568572							
Application Filing Date: 08/14/2	PTO Delay (PTO):	356					
Issue Date of Patent: 08/03/2	Three Years:	0					
Pre-Issue Petitions: 0	Applicant Delay (APPL):	260					
Post-Issue Petitions: 0	Total PTA (days):	96					
PTO Delay Adjustment: 0							

File Contents History						
Number	Date	Contents Description	PTO	APPL	START	
96	04/01/2011	ADJUSTMENT OF PTA CALCULATION BY PTO		16		
92	02/23/2011	RECORD A PETITION DECISION OF GRANTED FOR PATENT TERM ADJUSTMENT AFTER ISSUE				
91	02/22/2011	ADJUSTMENT OF PTA CALCULATION BY PTO	16			
83.5	02/15/2010	PTA 36 MONTHS	144			
83	08/03/2010	PATENT ISSUE DATE USED IN PTA CALCULATION	·			
82	07/02/2010	EXPORT TO FINAL DATA CAPTURE				
81	07/01/2010	DISPATCH TO FDC				
80	06/22/2010	MISCELLANEOUS INCOMING LETTER		43	73	
79	06/24/2010	APPLICATION IS CONSIDERED READY FOR ISSUE				
78 .	06/22/2010	ISSUE FEE PAYMENT VERIFIED				
77	06/22/2010	ISSUE FEE PAYMENT RECEIVED				
76	06/21/2010	EMAIL NOTIFICATION				
75	06/21/2010	EMAIL NOTIFICATION				
74	06/21/2010	FILING RECEIPT - CORRECTED				
73	06/21/2010	MAIL RESPONSE TO 312 AMENDMENT (PTO-271)				
72	06/16/2010	RESPONSE TO AMENDMENT UNDER RULE 312		<u> </u>		
71	06/02/2010	AMENDMENT AFTER NOTICE OF ALLOWANCE (RULE 312)		20	73	
69	06/02/2010	RULE 47 / 48 CORRECTION OF INVENTORSHIP PAPERS FILED				
67	06/11/2010	PUBS CASE REMAND TO TC				
66	06/02/2010	MISCELLANEOUS INCOMING LETTER		20		
65	06/02/2010	SUPPLEMENTAL PAPERS - OATH OR DECLARATION		0		
64	05/27/2010	EMAIL NOTIFICATION				

63	05/27/2010	FILING RECEIPT - CORRECTED			
		FINISHED INITIAL DATA CAPTURE			
62					
61		EXPORT TO INITIAL DATA CAPTURE			
60		MAIL NOTICE OF ALLOWANCE		[
		DOCUMENT VERIFICATION			
58	03/17/2010	ISSUE REVISION COMPLETED			
57	03/17/2010	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
56	03/15/2010	ALLOWABILITY NOTICE			
55	02/16/2010	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
54	02/26/2010	FILING RECEIPT - CORRECTED			
53	02/16/2010	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		0	49
52	02/16/2010	AFFIDAVIT(S) (RULE 131 OR 132) OR EXHIBIT(S) RECEIVED			
51	02/20/2010	DATE FORWARDED TO EXAMINER			
50	02/16/2010	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
48	02/20/2010	DISPOSAL FOR A RCE / CPA / R129			
47	02/16/2010	REQUEST FOR EXTENSION OF TIME - GRANTED			
46	02/16/2010	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
45	02/16/2010	WORKFLOW - REQUEST FOR RCE - BEGIN			
44	10/22/2009	FILING RECEIPT - CORRECTED			
43	07/16/2009	NOTICE OF APPEAL FILED		85	41
42	07/16/2009	REQUEST FOR EXTENSION OF TIME - GRANTED			
41	01/22/2009	MAIL FINAL REJECTION (PTOL - 326)			
40	01/21/2009	FINAL REJECTION			
39		DATE FORWARDED TO EXAMINER			
38	11/13/2008	RESPONSE AFTER NON-FINAL ACTION		92	36
37	11/13/2008	REQUEST FOR EXTENSION OF TIME - GRANTED			
36		MAIL NON-FINAL REJECTION	212		8
35		NON-FINAL REJECTION			
34	01/31/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
33	02/21/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
31	02/12/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			

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. 30	10/09/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
29	08/01/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
25	02/21/2008	ELECTRONIC INFORMATION DISCLOSURE STATEMENT			
24	02/12/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
23		INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
22	02/12/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
21	10/09/2007	ELECTRONIC INFORMATION DISCLOSURE STATEMENT			·
20	10/09/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			·
15	08/01/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
14	01/31/2007	REFERENCE CAPTURE ON IDS			
13.7	01/31/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
13	01/31/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
12	09/13/2006	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
9	09/13/2006	CASE DOCKETED TO EXAMINER IN GAU			
8	08/14/2006	371 COMPLETION DATE			
7	09/06/2006	APPLICATION DISPATCHED FROM OIPE			
6	08/14/2006	ADDITIONAL APPLICATION FILING FEES			
5	08/14/2006	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			

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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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